

**REMARKS**

Applicants thank the Examiner for the courtesies she extended to applicants representatives during an interview held in this application on July 24, 2007. During the interview, the Examiner stated that the claims are not enabled by the specification because the claims did not include any specific sequences that applicants have identified as conferring the claimed function. As discussed below, the claims as amended remove these issues. Accordingly, the claims should be allowed.

The Examiner has objected to claim 11 as reciting “comprising the promoter of claim 1, 27, 9 and 22.” The Examiner states that the word “claim” should be “claims.” This is incorrect, the claim refers to the claims in the alternative using “or”, not collectively using the word “and”. Accordingly, the singular word claim is correct. The Examiner has also objected to claim 19. Claim 19 has been corrected as suggested by the Examiner. Accordingly, this objection is now moot.

Claims 1, 7, 9, 11-15 and 19-24 stand rejected under 35 USC 112, first paragraph, as being non enabled by the specification. Specifically, the Examiner states that the specification fails to provide enablement for sequences with at least 90% similarity to SEQ ID NO:3 or to residues 2016-2384 of SEQ ID NO: 3 or a complement of these sequences or a sequence of nucleotides that hybridize to these sequences under stringency conditions of 2X SSC, 0.1% w/v SDS and 45°C. During the interview the examiner explained that these sequences need not include any specific sequence or structure that applicants have identified as conferring the claimed function, for example the fragment 2016-2384.

The claims as amended claim molecules that include the fragment 2016 to 2384 of SEQ ID NO:3, include a sequence that has 90% identify to the fragment 2016 to 2384 of SEQ ID NO:3, or can hybridize under high stringency conditions to a sequence that includes the fragment 2016 to 2384 of SEQ ID NO:3. Since all of these sequences either include the sequence of fragment 2016 to 2384 of SEQ ID NO:3 or include the vast majority of this sequence, the claimed sequences now


claim specific sequences or structures that applicants have identified as conferring the claimed function. Accordingly, this rejection should be withdrawn.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue. If it is determined that a telephone conference would expedite the prosecution of this application, the Examiner is invited to telephone the undersigned at the number given below.

In the event the U.S. Patent and Trademark Office determines that an extension and/or other relief is required, applicants petition for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing docket no. **229752001300**.

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Respectfully submitted,

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